

HOUSE BILL NO. 320

INTRODUCED BY FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A COUNTY TO ASSESS, UPON APPROVAL OF THE ELECTORS, A HOUSEHOLD FEE FOR PARKS AND CERTAIN CULTURAL, SOCIAL, AND RECREATIONAL FACILITIES; PROVIDING THAT THE FEE MAY NOT BE ASSESSED ON A HOUSEHOLD IN A PLANNED UNIT DEVELOPMENT; PROHIBITING A COUNTY FROM LEVYING A TAX AND ASSESSING A FEE FOR PARKS AND CERTAIN FACILITIES AT THE SAME TIME; REQUIRING AN ELECTION ON THE IMPOSITION OF THE FEE IF PETITIONED BY 15 PERCENT OF THE RESIDENT TAXPAYERS; AMENDING SECTIONS 7-16-2102 AND 7-16-2103, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-16-2102, MCA, is amended to read:

"7-16-2102. Authorization for tax levy or household fee for parks and certain cultural, social, and recreational facilities. (1) ~~(a)~~ Subject to 15-10-420, the board of county commissioners may annually levy on the taxable property of the county, in the same manner and at the same time as other county taxes are levied, a tax for the purpose of maintaining, operating, and equipping parks, cultural facilities, and any county-owned civic center, youth center, recreation center, recreational complex, or any combination of purposes, parks, and facilities.

~~———— (b) The board of county commissioners may assess a fee on each household within the county for the purposes enumerated in subsection (1)(a). As used in this section, "household" means a single residence or a single unit in a multiunit residence.~~

~~———— (c) The board of county commissioners may not levy a tax and assess a household fee at the same time.~~

(2) (a) (i) SUBJECT TO SUBSECTIONS (2)(A)(II) AND (2)(D), THE BOARD OF COUNTY COMMISSIONERS MAY ASSESS A FEE ON EACH HOUSEHOLD WITHIN THE COUNTY FOR THE PURPOSES ENUMERATED IN SUBSECTION (1). AS USED IN THIS SECTION, "HOUSEHOLD" MEANS A SINGLE RESIDENCE OR A MULTIUNIT RESIDENCE, REGARDLESS OF THE NUMBER OF UNITS. A HOUSEHOLD DOES NOT INCLUDE A SINGLE RESIDENCE OR A MULTIUNIT RESIDENCE IN A PLANNED UNIT DEVELOPMENT AS DEFINED IN 76-3-103.

(ii) The board of county commissioners shall submit the question of imposing or the continued imposition

1 of the property tax mill levy ~~or the household fee~~ provided in subsection (1) OR THE HOUSEHOLD FEE PROVIDED IN
2 SUBSECTION (2)(A)(i) to the electors of the county at the next general election if a petition requesting an election,
3 signed by at least 15% of the resident taxpayers of the county, is filed with the county clerk. The petition must
4 be filed with the county clerk at least 90 days prior to the date of the general election.

5 (b) The question on the tax mill levy must be submitted as provided in 15-10-425.

6 (c) The board of county commissioners shall levy the tax or assess the household fee if the question
7 for the imposition of the tax or fee is approved by a majority of the electors voting on the question.

8 (D) THE BOARD OF COUNTY COMMISSIONERS MAY NOT LEVY A TAX AND ASSESS A HOUSEHOLD FEE AT THE SAME
9 TIME.

10 (3) All laws applicable to the collection of county taxes and fees apply to the collection of the tax or
11 household fee provided for in this section."

12
13 **Section 2.** Section 7-16-2103, MCA, is amended to read:

14 **"7-16-2103. Establishment of fund.** (1) All funds derived from the tax or household fee authorized by
15 7-16-2102 constitute a separate fund deposited with the county treasurer. The fund ~~shall~~ may not be used for
16 any purposes except for county parks and any civic center, cultural facility, youth center, recreation center,
17 recreational complex, or any combination ~~thereof~~ of parks and facilities.

18 (2) All claims against ~~such the~~ separate fund ~~shall~~ must be presented and acted upon in the same
19 manner as are all other claims against the county."

20
21 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005.

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